

TABLE OF CONTENTS

Table of Authorities.....ii-iii

I. Introduction..... 1-2

II. Discussion 2-14

 A. This Court Should Decline Supplemental
 Jurisdiction Only Over the Unruh Act Claim..... 2-4

 B. Oliver Has Pled Intent in His Complaint..... 4-5

 C. *Gunther* Misinterpreted the Current Law as Well
 as the Statutes at Issue 5-12

 1. *Gunther* is Not Controlling and Contradicts
 Ninth Circuit Law..... 6-7

 2. Legislative History..... 7-11

 i. Plain Language 10-11

 3. The State Claims Do NOT Present Novel
 Or Complex Issues of Law 11-12

 D. Even Without a Statutory Analysis, *Gunther* is
 Wrong on the Law 12-16

III. Conclusion 17-18

TABLE OF AUTHORITIES

Cases

<i>Burks v. Poppy Construction Co.</i> , (1962) 57 Cal.2d 463	15
<i>Digenova v. State Bd. Of Educ.</i> , 57 Cal.2d 167, 178 (1962)	5 n.1
<i>Gunther v. Lin</i> , 50 Cal.Rptr.3d 317 (Cal.App.2006)	1, 5-14
<i>Harris v. Capital Growth Investors XIV</i> , (1991) 52 Cal.3d 1142	6, 11-14
<i>In re Watts</i> , 298 F.3d. 1077 (9 th Cir. 2002)	5
<i>Isbister v. Boys' Club of Santa Cruz</i> , (1985) 40 Cal.3d 72	15
<i>Johnson v. Barlow</i> , 2007 WL 1723617 (E.D.Cal).....	10
<i>Kimmel v. Goland</i> , 51 Cal.3d 202 (1990)	7
<i>Koire v. Metro Car Wash</i> , (1985) 40 Cal.3d 24	11-14
<i>Lentini v. California Center for the Arts, Escondido</i> , 370 F.3d 837 (9 th Cir. 2004)	2-5, 10
<i>Modern Development Co. v. Navigators, Ins. Co.</i> , (2003) 4 Cal.Rptr.3d 528	11-13

Pinnock v. Solana Beach Do It Yourself Dog Wash, Inc.,
2007 WL 1989635 (S.D.Cal.)..... 10

Takahashi v. Loomis Armored Car Serv.,
625 F.2d 314 (9th Cir. 1980) 5

Wells v. One2One Learning Found.,
29 Cal. 4th 1164 (2006) 9

*Western Oil & Gas Assn. V. Monterey Bay Unified Air Pollution Control
Dist.*,
(1989) 49 Cal.3d 408 7

Wilson v. Haria and Gogri Corp. dba Jack-In-The-Box #551, et al.,
479 F.Supp.2d 1127 (E.D.Cal.2007) 4-10

Statutes

Cal. Civ. Code § 51..... 6-8

Cal. Civ. Code § 51(f)..... 8, 15

Cal. Civ. Code § 52..... 6-9

28 U.S.C. § 1367 9-10

42 U.S.C. § 12182(b)(2)(A)(iv)..... 13